

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTWON DESHANE JENKINS,)
Petitioner,)
vs.) Case No. 18-cv-610-DWD
UNITED STATES OF AMERICA,)
Respondent.)

MEMORANDUM AND ORDER

DUGAN, District Judge:

This matter is before the Court on Petitioner Antwon Deshane Jenkins' Motion for Leave to Appeal *in Forma Pauperis* ("IFP") (Doc. 113). On November 25, 2020, the Court denied Petitioner's 28 U.S.C. § 2255 petition and declined to issue a certificate of appealability (Doc. 94). Judgement reflecting the same was entered on November 30, 2020 (Doc. 95). Petitioner filed his Notice of Appeal on December 8, 2020 (Doc. 96). Petitioner filed an affidavit stating that he is unable to prepay the docket fees of his appeal and has submitted a copy of his prison trust fund statement for the preceding 6 months, reflecting an account balance of \$1,578.42 (Doc. 113, p. 9).

A federal court may permit a party to proceed on appeal without full pre-payment of fees provided the party is indigent and the appeal is taken in good faith. 28 U.S.C. § 1915(a)(1) & (3); FED. R. APP. P. 24(a)(3)(A). An appeal is taken in “good faith” if it seeks review of an issue that is not clearly frivolous, meaning that “a reasonable person could

suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000); *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

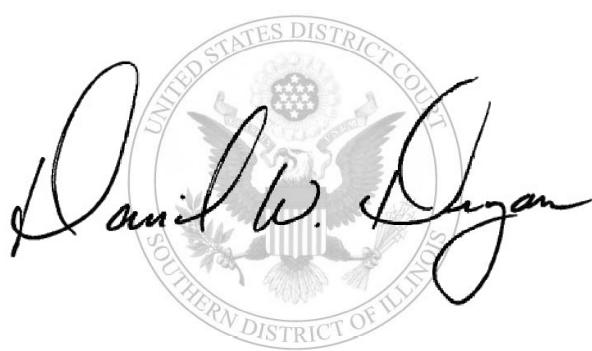
Here, the Court questions Petitioner's claim of indigency. In his affidavit, Petitioner states that he has no assets and no expenses; however, Petitioner has a prison trust fund account balance of \$1,578.42. Moreover, a review of Petitioner's trust fund statement shows semi-regular deposits from third parties. Therefore, the Court finds Petitioner is not indigent and can pay the docket fees for his appeal. As such, Petitioner's Motion will be denied, and the Court need not reach the question of whether Petitioner's appeal is taken in good faith.

Disposition

Petitioner's Motion for Leave to Appeal *in Forma Pauperis* is **DENIED**. Petitioner is **ADVISED** that he has **30 days** from service of this Order to file a motion to proceed *in forma pauperis* on appeal in the Court of Appeals. FED. R. APP. P. 24(a)(5). The Clerk of Court is **DIRECTED** to forward a copy of this Order to the Seventh Circuit Court of Appeals.

SO ORDERED.

Dated: March 8, 2021



The image shows a handwritten signature of "David W. Dugan" in black ink, positioned above the official seal of the United States District Court for the Southern District of Illinois. The seal is circular with a scalloped edge. It features an eagle with spread wings at the top, a shield with stars and stripes in the center, and a laurel wreath at the bottom. The text "UNITED STATES DISTRICT COURT" is written in a circle at the top, and "SOUTHERN DISTRICT OF ILLINOIS" is at the bottom.

DAVID W. DUGAN
United States District Judge